



# U.S. DEPARTMENT of STATE

## San Marino

### Country Reports on Human Rights Practices - [2004](#)

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San Marino is a democratic, multiparty republic. The popularly elected Parliament, the Great and General Council (GGC), selects two of its members to serve as Captains Regent (co-heads of state). Captains Regent preside over meetings of the GGC and the Cabinet (Congress of State), which has 10 other members (secretaries of state) who the GGC also selects. The Secretary of State for Foreign Affairs has some of the prerogatives of a prime minister. The judiciary is independent.

Elected officials effectively controlled the centralized police organization (the Civil Police), which was responsible for internal security and civil defense; the Gendarmerie, a military group responsible for internal security and public order; and the Guardie di Rocca, a military group responsible for external defense that occasionally assisted the Gendarmerie in criminal investigations.

The principal economic activities were tourism, farming, light manufacturing, and banking. The country's population is approximately 28,000. In addition to revenue from taxes and customs, the Government also derived income from selling coins and postage stamps to international collectors and from an annual subsidy provided by the Italian Government under the terms of the Basic Treaty with Italy. Gross domestic product grew an estimated 2 percent, and wages grew 5.7 percent in 2003. The unemployment rate for the first semester of the year was 2.9 percent. Officially, the inflation rate is the same as Italy's, but in both countries it was actually higher than reported. Corruption by public officials occurred and was usually enhanced by political rivalry. However, the Government did not consider corruption a priority.

The Government generally respected the human rights of its citizens, and the law and judiciary provide effective means of addressing individual instances of abuse. Some remnants of legal and societal discrimination against women remained, particularly with regard to the transmission of citizenship.

## RESPECT FOR HUMAN RIGHTS

### Section 1

#### Respect for the Integrity of the Person, Including

##### Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

##### b. Disappearance

There were no reports of politically motivated disappearances.

##### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison conditions generally met international standards, and the Government permitted visits by independent human rights observers. Male prisoners were held separately from female prisoners, as were juveniles from adults and pretrial detainees from convicted prisoners.

##### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system requires that the country's lower court judges be noncitizens, with the aim of assuring impartiality; most lower court judges are Italian. A local conciliation judge handles cases of minor importance. Other cases are handled by non-Sammarinese judges who serve under contract to the Government. The final court of review is the Council of Twelve, a group of judges chosen for 6-year terms (four of whom are replaced every 2 years) from among the members of the GGC.

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and the Government generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the Government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The independent media were active and expressed a wide variety of views without restrictions. Access to the Internet was unrestricted.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The law prohibits forced exile, and the Government did not use forced exile in practice.

The law does not provide for granting asylum or refugee status in accordance with the 1951 U.N. Convention or its 1967 Protocol. Asylum or refugee status may be granted by an act of the Congress of State; however, the Government did not formally offer asylum to refugees. The Government has permitted a few persons to reside and work in the country and cooperated with the Office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees.

The issue of the provision of temporary protection of individuals who may not qualify as refugees did not arise during the year.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3

Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

There were no women serving on the Great and General Council during the year. However, women held positions in mainstream party organizations. There were 9 women in the 60-seat Parliament, but no minority group members.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights organizations, although the Government did not impede their formation. The Government declared itself open to investigations by international NGOs into alleged abuses, but there were no known requests to investigate.

#### Section 5 Discrimination, Societal Abuses, And Trafficking in Persons

The law prohibits discrimination based on race, disability, language, or social status. The law also prohibits some forms of discrimination based on sex; however, vestiges of legal and societal discrimination against women remained.

##### Women

The law provides for the protection of women from violence. Rape, including spousal rape, is a crime under the law. Occurrences of violence against women, including spousal abuse, were rare.

Several laws provide specifically for the equality of women in the workplace and elsewhere. In practice, there was no discrimination in pay or working conditions. All careers were open to women, including careers in the military and police as well as the highest public offices.

The citizenship law provides that both men and women may transmit citizenship either through birth or naturalization; however, children of male citizens only need to state their "intent" to retain citizenship, whereas children of female citizens must state their "desire" to retain citizenship. It is not clear if this affects the transmission of citizenship in practice.

##### Children

The Government was committed to children's rights and welfare. Public education and medical care services were amply funded. Education is free until grade 13 (usually age 18) and compulsory until age 16. Most students continued in school until age 18. No differences were apparent in the treatment of girls and boys in education or health care. Violence against or abuse of children was an isolated problem; however, there were no reported cases during the year. One case from 2003 was pending.

##### Trafficking in Persons

The law does not explicitly prohibit trafficking in persons. However, there were no reports that persons were trafficked to, from, or within the country.

##### Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. There also were no reports of other societal abuses. The Ministry for Territory has not fully implemented a law that mandates easier access to public buildings by persons with disabilities.

#### Section 6 Worker Rights

##### a. The Right of Association

By law, all workers (except the armed forces) are free to form and join unions, and workers exercised this right in practice. The law sets the conditions to establish labor unions. Union members constituted approximately half of the country's work force (which numbered approximately 10,300 citizens plus 4,000 resident Italians). Trade unions were independent of the Government and political parties; however, they had close informal ties with political parties, which exercised strong influence over union members.

##### b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the Government protected this right in practice.

The law gives collective bargaining agreements the force of law and prohibits anti-union discrimination by employers. Workers exercised these rights and effective mechanisms existed to resolve complaints. Negotiations were conducted freely, often in the presence of government officials (usually from the Labor and Industry Departments) by invitation from both unions and employer associations. Complaints generally were resolved amicably by a "conciliatory committee" composed of labor union and business association representatives and government officials.

The law allows all civilian workers, including the Civil Police, the right to strike, and workers exercised this right in practice.

There were no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment and compulsory education is 16, and no exceptions were granted by the Ministry of Labor and Cooperation.

The law does not limit children between the ages of 16 and 18 from any type of legal work activity.

#### e. Acceptable Conditions of Work

The Government sets the minimum wage according to industry standards. For example, in the hotel and restaurant industry, the minimum wage for employees over 18 years of age was approximately \$ 8.84 an hour (6.55 euros). For employees under 18, the minimum wage was approximately \$ 7.13 (5.28 euros). The national minimum wage provided a decent standard of living for a worker and family. Wages generally were higher than the minimum.

The law sets the workweek at 36 hours in the public sector and 37½ hours for industry and private businesses, with 24 consecutive hours of rest per week mandated for workers in either category.

The law requires a premium payment for overtime and allows a maximum of 2 hours of overtime per day. There is effective enforcement of laws and industry contracts that prohibit excessive compulsory overtime. However, overtime laws do not protect the small number of foreign illegal day workers in the country.

The law stipulates safety and health standards, and the judicial system monitors these standards. Most workplaces implemented the standards effectively; however, there were some exceptions, notably in the construction industry, where not all workers, particularly foreign workers hired for a specific contract, consistently abided by safety regulations, such as work hour limitations. The Government closely monitored the implementation of safety regulations in the construction industry, but improvement has been slow.

Two laws treat foreign workers differently from citizens of the country: The first prohibits indefinite employment status for foreign workers with nonresident status. The second requires non-Italian foreign workers to obtain an Italian residence permit before they can apply for employment. In practice, these provisions limited the application of unemployment benefits to foreigners because such benefits were granted for a period of 12 months.